IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 11099 of 1998

Between:

Shaik Bhadruddin s/o Mahaboob Ali
Huzurabad, Karimnagar district.

..... PETITIONER

AND

1 The Presiding Officer, Labour Court, Godavarikhani.
2 The Superintending Engineer(SE) Operations, A.P.S.E.B. Karimnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to to issue an order, direction or writ more particularly one in the nature of writ of certiorari and after calling for the records, quash the award of the labour Court, Godavarikhani in I.D.No. 784/89 dt. 31-1-1991 in so far denying the continuity of service and back wages and consequently direct the respondents to grant continuity of service with full back wages and other attendant benefits.

Counsel for the Petitioner:SMT E.URMILA

Counsel for Respondent No.1: None.

Counsel for the Respondent No.2: MR.S.RAVINDRANATH

The Court made the following :

ORDER:

This writ petition is directed against the award passed by the Labour Court, Godavarikhani in I.D.No.784 of 1989 dated 31.1.1991 in so far as denying the continuity of service and back-wages to the petitioner are concerned.

The petitioner, while working as a Bill Collector at Karimnagar in the second respondent-Board, was issued with a charge sheet enumerating the following charges:

"1. That the petitioner had collected an amount of Rs.30-80 ps. From K. Balaiah, and did not issue permanent receipt. & That the petitioner has committed irregularities and a criminal case is initiated against the petitioner.

2. That the petitioner has defrauded an amount of Rs.2,293-11 ps. of 36 consumers.

3. That the petitioner has collected an amount of Rs.250-85 ps. from 23 cases.

4. That the petitioner was involved in short accounting an amount of Rs.53-50 ps.

5. That the petitioner has cheated the authorities by submitting unauthorized PRs.

6. That the petitioner has collected an amount of Rs.9-60 ps.

7. That the petitioner has collected an amount of Rs.34-15 ps. from V.Mallaiah, but, gave a PR for Rs.1-50 ps. pertaining to S.C.No.38 of Jalaluddin."

After calling for detailed explanation from the petitioner and having not satisfied with the same, domestic enquiry was conducted and after affording opportunity to the petitioner to defend himself fully, the petitioner was removed from the service of the second respondent-Board by order dated 02.8.1975. The appeal filed by the petitioner before the Chairman-appellate authority was also dismissed. Aggrieved by the same, the petitioner filed a petition under Section 2-A(2) of Industrial Disputes Act, 1987 being I.D.No.784 of 1989 before the Presiding Officer, Labour Court,

Godavarikhani. Before the Labour Court the petitioner asserted that the enquiry was not properly conducted and therefore, the impugned proceedings passed are vitiated of non-compliance with the principles of natural justice. Apart from that, he had also stated that the imposition of punishment of removal from service is itself disproportionate to that of the misconduct, if any proved. Before the Labour Court, a counter affidavit was filed by the second respondent-Board stating that the petitioner was appointed as a Bill Collector on 1.11.1968 and posted at headquarters, Mulakanur under the control of the Deputy Chief Accounts Officer, Karimnagar. It is contended that the petitioner was entrusted with the work of collection of electricity consumption charges of 26 distributions in and around Mulakanur. As a Bill Collector, he committed serious financial irregularities misappropriating the revenues, of the second respondent-Board, by falsifying the accounts. Therefore, he was kept under suspension by order dated 26.6.1970 and later on he was dismissed from service on 7.7.1976.

It is curious to note that aggrieved by the dismissal order dated 7.7.1976 and after dismissal of the criminal case filed against the petitioner, he filed an appeal before the Chairman-appellate authority on 29.4.1983, but the same was dismissed by the appellate authority holding that it was filed after lapse of several years after his dismissal from service. Thereafter, aggrieved by the same, the petitioner raised an industrial dispute in I.D.No. 784 of 1989 i.e. after a lapse of another (6) years. The same was entertained by the Labour Court and he was granted some relief by the impugned award.

The second respondent-Board, aggrieved by the impugned award passed by the Labour Court, Godavarikhani, earlier, filed a writ petition No.9247 of 1991 and on contest by the petitioner herein, the same was dismissed on 16.1.1997. It is only after dismissal of that writ petition, the present writ petition is filed by the petitioner challenging the impugned award passed by the Labour Court in so far as it went against him, with an inordinate delay of eight and half years. It is clear that at every stage there was lapse on the part of the petitioner-workman in approaching appellate authority, labour Court and also in approaching this Court. Since the writ petition itself is filed after more than eight and half years and as there are no valid grounds explaining the laches on the part of the petitioner, I am of the opinion that there is no need to interfere with the impugned award passed by the labour Court, which had earlier become final in the writ petition No. 9247 of 1991 filed by the

second respondent-Board.

Accordingly, the writ petition is dismissed. No costs.

_____ C.V.RAMULU, J

17th september, 2004

tsr.

To

1 The Presiding Officer, Labour Court, Godavarikhani.
2 The Superintending Engineer(SE) Operations, A.P.S.E.B. Karimnagar

3. 2 C.D. copies